



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/932,227	09/17/97	FOSSEL E	<i>mk</i>

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IM52/0201

EXAMINER

MULLIS, J

ART UNIT	PAPER NUMBER
1711	17

DATE MAILED: 02/01/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademark

Office Action Summary

Application No.

08/932,227

Applicant

Fossel

Examiner

Jeffrey Mullis

Group Art Unit

1711



☒ Responsive to communication(s) filed on Oct 16, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 33-35, 38-44, 47-53, 56-59, and 61-63 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 39-41, 47-49, and 56-58 is/are allowed.

☒ Claim(s) 33-35, 38, 42-44, 50-53, 59, and 61-63 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Claim 50 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

d Claim 50 is unclear in that this claim depends from (preceding) cancelled claims such as claims 46, 45, 37 and 36.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

M Claims 33-34, 38, 51-53 and 59 are rejected under 35 U.S.C. 102(a) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Weuffen et al. (USP 5,629,002).

See the Office action of Paper No. 6 at page 4 lines 5 et seq.

3308 Claims 33-34 are rejected under 35 U.S.C. 102(a) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Hechtman (USP 5,595,753).

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See the Office action of Paper No. 6 at the paragraph
bridging pages 4 and 5 et seq.

61-63 ⁵⁸ Claims 33-35, 38, 42-44, 50-53, 59 and 61-63 are rejected
under 35 U.S.C. § 103(a) as being unpatentable over Garfield et
al. in view of Hechtman, Altadonna (USP 5,853,768), Cooke et al.
(USP 5,428,070), Saavedra et al. (USP 5,632,981) and Cooper et
al.

See the Office action of Paper No. 8 at the paragraph
bridging pages 3 and 4 et seq.

Any inquiry concerning this communication should be directed
to Jeffrey Mullis at telephone number (703) 308-2820.

J. Mullis:cdc

January 2, 2001

**Jeffrey Mullis
Primary Examiner
Art Unit 1711**

A handwritten signature in black ink, appearing to be 'J. Mullis', written over the typed name and title.